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KINGSBOROUGH ATLAS TREE SURGERY, INC.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re:
Kingsborough Atlas Tree Surgery, Inc.
Debtor.

Case No. 25-10088 WJL

Chapter 11

Kingsborough Atlas Tree Surgery, Inc.
Plaintiff,

AP No.

vs.

Anvil Power, Inc., a California corporation,
Anvil Equipment Company LP, a
California limited partnership, Anvil
Builders, a California corporation, Anvil
Holdings, Inc., a California corporation,
Anvil Group, LLC, a California limited
liability company,

**NOTICE OF MOTION AND MOTION FOR
TEMPORAY RESTRAINING ORDER,
PRELIMINARY INJUNCTION AND TO
COMPEL TURNOVER OF PROPERTY OF
THE ESTATE PURSUANT TO 11 U.S.C.
§542**

Defendants.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that KINGSBOROUGH ATLAS TREE SURGERY, INC.
3 (“KBA,” “Plaintiff,” or “Debtor”), the Debtor in possession in this Chapter 11 bankruptcy case
4 and Plaintiff in this adversary proceeding, respectfully submits this Motion for Temporary
5 Restraining Order, Preliminary Injunction, and Immediate Turnover of Property of the Estate
6 Pursuant to 11 U.S.C. §542 (“Motion”).

7 PLEASE TAKE NOTICE that Debtor requests that there be a hearing on the Motion on
8 March 26, 2025, at 10:30 AM (the next open hearing date during which other matters in the
9 above referenced matter are scheduled) or as soon thereafter as the matter may be heard in the
10 courtroom of the Honorable William J. Lafferty, of the above-entitled Court, located at 1300
11 Clay Street, Room 220, Oakland, CA 94612.

12 This Motion is made pursuant to 11 U.S.C. §542 and Rule 65 of the Federal Rules of
13 Civil Procedure, as made applicable by Federal Rules of Bankruptcy Procedure 7065.
14 Defendants have possession of KBA heavy equipment and vehicles, equipment which is not of
15 inconsequential value, and which benefit KBA’s bankruptcy estate, under 11 U.S.C. § 363.
16 Defendants refuse to pay KBA for such equipment or to return such equipment KBA upon
17 demand, Thus, KBA is entitled to turnover under 11 U.S.C. §542(a). Absent the immediate
18 turnover of KBA Equipment, KBA will be irreparably harmed by its loss of use and diminution
19 in value of its equipment.

20 Plaintiff therefor seeks a Temporary Restraining Order, Preliminary Injunction enjoining
21 the Defendants, Anvil Power, Inc., Anvil Equipment Company LP, Anvil Builders, Anvil
22 Holdings, Inc., Anvil Group, LLC, and their officers, agents, servants, employees, and attorneys,
23 and those persons in active concert or participation with them (collectively “Anvil” or
24 “Defendants”) from:

25 1. Transferring, changing, disbursing, dissipating, converting, conveying, pledging,
26 assigning, encumbering, foreclosing, using, wasting, or otherwise disposing of any interest in
27

any of Debtor's equipment identified in the schedule attached to the Declaration of Richard Kingsborough in support of this Motion as **Exhibit A** ("KBA Equipment"); and

2. Requiring Defendants to immediately turn over to Debtor possession of equipment belonging to Debtor and in Defendants' possession.

This Motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities, and the attached Declarations of Richard Kingsborough and Philip J. Terry, and any other evidence that may be heard at the hearing on the Motion.

Parties may participate in the hearing by video conference. The procedure for appearing by Tele/Video Conference can be found at www.canb.uscourts.gov.

Dated: March 20, 2025

CARLE, MACKIE, POWER & ROSS LLP

By: /s/Philip J. Terry

Philip J. Terry
Kimberly Corcoran

and

Michael C. Fallon
Michael C. Fallon, Jr.